IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1096 OF 2005

Srinivas M. Shetty ... Petitioner
Versus.
Union of India through
Official Liquidator ... Respondent.

Shri Bhavesh Parmar for the Petitioner.
Shri S.S.Pakale for the Respondent.

CORAM : H.L.GOKHALE &
ABHAY S. OKA, JJ.
DATED : JANUARY 16, 2006.

P.C.:

1. Heard Mr.Parmar in support of this Petition. Mr.Pakale appears for Respondent. The Petitioner is one of the company paid employees on the establishment of the Official Liquidator. He along with many others working under the Official Liquidator as well as Court Receiver and various departments of the Central Government are facing departmental enquiries. The Petitioner has been suspended on 25th November 2004. He was initially paid half of the salary during the period of suspension. Subsequently, it was revised to 75%. This Petition is filed to challenge the suspension and it is prayed that the Petitioner be resumed in his regular employment.

2. The Respondent filed a reply to this Petition justifying the suspension. It is contended that there are no rules framed for which the directions were given

earlier for the company-paid staff. The Petitioner has therefore submitted in paragraph 6 of the rejoinder that as per Rule 10 (6) of the CCS (CCA) Rules, he be paid full salary from the moment he crosses 180 days of his suspension. Mr.Parmar has drawn my attention to the order passed by the Central Administrative Tribunal in case of an employee of the Official Liquidator arising out of the same enquiry. In that decision appropriate direction has been given to pay the salary as per Rule 10(6) of the said Rules. In the present case, therefore, we direct the Respondents to pay full salary to the Petitioner as per Rule 10(6) of the said Rules which will be towards subsistence allowance. In our view, this order will take care of the grievance raised by the Petitioner in this Petition. So far as interference with impugned order dated 25th November 2004 as regards re-employment of the Petitioner is concerned, we are not inclined to do the same. Petition is disposed of.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)